1945

File No. B. Beggars 45

Legal Department

B BRANCH

Subject:— A Bill to provide for prevention of begging, for the detention training and employment of beggars and their dependents in Certified Institutions and for the Custody trial and punishment of beggar offenders in the Province of Bombay.

Bom. Act. XXIII of 1945.

18/1945

File No. B. Beggars/45

Gen. 194 e.

526 B

A draft Bill is sent herewith. It is based on the instructions set forth at pages 37 to 44 ante and also on the futher instructions obtained from Deputy Secretary, H.D. in the course of the preparation of the Bill. His further instructions were as follows :-

(1) The expression "Certified Institutions" should replace the expression "Beggars' Homes", as decided by A(H).

(2) There should be power for the Provincial Government to authorise collections of money etc. for suitable purposes in cases where the Commissioner of Police or the District Magistrate have not sufficiently appreciated the reasonableness of the purposes of collection with a view to authorising it and excluding it from the definition of begging.

(3) If begging is proved in respect of a child above the age of 5 years the proceedings should be transferrred to Juvanily Court for action under section 7 of the Bombay Children Act, 1924.

(4) The court should have powerr to have a person med cally examined for the purpose of ascertaining whether he is above the age of five and below the age of sixteen.

(5) The court should have power to have the dependent of a beggar arrested and brought before itself if necessary.

(6) It should be open to a detained person to ask for indefinite detention on the grond of his being blind, crépple, or otherwise incurably helpless.

(7) In view of the self-contained legislation concerning beggars now being enacted, section 121 of the City of Bombay Police Act and section 61(2) of the Bombay District Pâlice Act, 1990, may be repealed. But the power to extern habitual beggars

R 1A

habitual beggars dct. out of the City of Bombay should be retained as in section 27(2) of the City of Bombay Police Act.

(8) The Act should not apply to pauper lepers where the Lepers Act 1898, applies nor to Europie vagrants to whom the European Vagrancy Act, 1874, applies, nor to lunatics to whom the Indian Lunacy Act 1912 applies.

2. The scheme of Chapter II of the draft Bill is to treat all first begging not on the fotting of an offence but on that of helplessness which needs to parentally looked after. Hence clause 5 of the Bill provides for summary inquiry and detention as distinguished from x convictions and sentences of imprisonment or penal detention appearing in clause 6-9 dct. Wherever there is an offence under this Bill, clause 29 renders it necessary that the cou should follow the warrant-case produdere. Clause 5 on the other hand preserves the summary procedu (This The initial treatment of the pauper under clause 5 and of his dependents under clause 7 is in the nature of detention in the poorhouse or workhou and not imprisonment. The difference is one of sul stance and not of mere sentiment. In ordering such detention the State exercises parental authority which m implies restraint, but not imprisonment). Clause 8 provides for the beggar or his dependent t apply for his detention being xxxx extended on adequate grounds. In any other case the baggarx is released after detention, and thereafter for hi to beg is made an offence. Since, however, even the initial detention does amount to restraining individual freedom for as long as three years unde

under clause 5 or an indefinite period under clause 8 it seems very necessary and desirable to provide specifically for an appeal against the Magistrate's order of detention under clause 5 on the footing that the detention is ordinary imprisonment. H.D. is requested to consider this point and give definite instructions when the Bill is again referred to to the R.L.A.

Clause 7 has been drafted to carry out C of instruction 16. The clause refers to such inquiry as the Court thinks fit. But Home Department May consider if the provision may not in some cases lead to ex parte proceedings.

Clause 9 has been drafted to carry out D of Instruction 14. But Home Department may consider if subsequent detention in a certified institution would not be inept in the case of a well-to-do aider or abettor or a person who makes a regular business from the earnings of begging.

5. Clause 18. Apart from any other powers the Chief Inspector should, I think have the power to release a person on parole for short periods. Home Department may consider this.

6. As regards the other procisions in the Bill the reference to instructions is indicated in the margins and no special comments are neeessary. There would no doubt be further examination from various points of of view both administrative and legal at a later shage after the Bill is published for objections.

7. The H.D. will attach the necessary statement to the Bill as required by Circular No. 201(12), dated the 4th August 1941. Under executive instructions, the Bill requires the previous concurrence of the G

2A

concurrence of the Governor General before prepublication for criticism (vide Circular No. 201(12), dated the 18th December 1939).

8. The subject matter of the Bill falls under entries 1,2,3,4, 32 and 37 in List II and entries 1 and 2 in List III, in the Seventh Schedule to the Government of India Act, 1935. As the Bill is not repugnant to any existing Indian Law relating to any item in the Concurrent List, it need not be reserved for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1953, and para. (2) of the Proclamation.

Id/- P.N.M.

Remembrancer of Legal Affairs.

U.R. to H.D., No. 6573, dated 21/9/44.

C.G.K. 16-7-

C 5

Office of the R.L.A.

The further instructions to the Remembrancer of Legal Affairs to revise the Beggars Bill are give in the note of Deputy Secretary, Home Department at pages 49-51, 57-59 and 60-61.

2. Paragraph 3 on page 49: A proviso has been added to clause 7(1) for the purpose.

3. Paragraph 4 on page 49: The addition made to c clause 9 as fromally amended is in order.

4. Paragraph 5 on page 49 : The necessary provision has been made in clause 18. Consequential amendment has been made in clause 23,

5. Paragraph 6 on page 49: The statement at page 55, as slightly amended, is in order.

6. Paragraph 2 of ~~xxxix~~ 1(2) on page 57. Paragraph 1 of A(F)'s note on p. 52: The necessary chages have been made.

Paragraph 2 of A(F)'s note page 52: The expression "false or fraudulent pretence" has been taken from the English Vagrancy Act, section 4 of 5 Geo. 4 c.83, wide also Halsbury's Vol.XXV, article 790(5) page 441. However, the words "false or fraudulent" have been omitted as desired by A(F).

Paragraph 3 of A(F)'s note, page 53: No change is necessary in clause 2(ii).

7. Paragraph 1(3) , page 57 and A(R)'s note on page 52, portion marked "X": Places recognised for the halting of trains are public places as the public are entitled to have access thereto. No amendment is therefore necessary.

8. Paragraph 3 on page 57: A revised draft in place of Deputy Secretary Home Department's draft clause at page 63, namely clause 128, has been inserted.

In view of theprovision made in new clause 12A (2)(ii) enabling the collection of subscriptions under this Act and similar provisions under other laws, finally clause 2(i) (ii) has been amplified to exclude cases of soliciting money for apurpose authorised under any law.

A provision enabling the collection of municipal contribution has beenmade innew clause 12B on the lines of section 215(2) of the Bombay Municipal Boroughs Act, 1925.

9. Paragraph 4 on page 58 andparagraphs 3 to 5 onpages 60-61: The necessary provision has been made innew clause 22 A. Sub-clause (1) provides that there shall be a compulsory medical examination of every person received in a Receiving Centre under section 22 by such Medical Officer as the Provincial Government by an executive order directs. Sub-clause (3) provides that the Medical Officer shall report whether the beggar is a contagious leper or lunatic etc. If the report states him to be such leper or lunatic, the report shall be forwarded to the Court passing the order of detention. The sub-clause then provides, on the lines of section 464 of the Code of crim nal Procedure, that the Court shall examine the the Medical Officer as a witness and reduce the examination to writing and if it is of opinion that the beggar is a contagious leper or a lunitic, it shall send him, of a leper, to a leper asylum; if a lunatic, to a lunatic asylum; and if neither, to any other Certified Institution. This achieves the commitment by a Magistrate as required by paragraph 5 on page 61.

Paragraph 4 on page 60-61: The necessary provision to clause 7(2) to provide that a child need not be allowed to be detained with its parent, if

its parent, if the parent is a contagious leper or a lunatic.

Another consequential amendment has been made in clause 17 by adding a new sub-clause to provide that the Chief Inspector shall have regard to the medical report and directions of the Court under section 22A in making transfers from the Receiving Centre to Certified Institutions.

10. Paragraph 6 on page 61: Deputy Secretary, Home Department's presumption is correct. No further provision is necessary.

11. In accordance with A(H)'s decision on page 61, clause 29 is drafted to provide for appeals in all cases.

12. Clause 30, the rule-making clause, has been amplified to provide for the conduct of business of Advisary Committees, the date before which payments shall be made by local authorities of their contribution, and the manner of medical examination of baggars.

13. Clause 32 has been restricted to vegrants within the meaning of the European Vagracy Act, 1874, and all references to the lepers Act and Lunacy Act 1912, have been cut out.

14. As it is now proposed to deal with lunatics under this Bill, and as the provisions of the Bill (clause 22A) are repuganant to the Indian Lunacy Act, 1912, which is an existing Indian Law relating to entry 18 in List III in the Seventh Schedule to the Government of India Act, 1935, it will be necessary to reserve the Bill for the consideration of of the Governor General with reference to section 107(2) of the Government of Indian Act, 1935, and paragraph (2) of the Proclamation.

Id/- P.N.M.
Remembrancer of Legal Affairs.

U.R. to H.D., No. 8260, dated the 23rd November '44.

No.9362,
Legal Department,
Bombay Castle, 12th Dec. 1945.

From

P.N.Moos, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject: - The Bombay Beggars Bill, 1945

Sir,

With reference to your Memorandum No.421, dated the 27 March 1945, addressed to the Home Department, on the above subject, I am directed to send hirewith a copy of the Bombay Beggars Bill, 1945, prepared by His Excellecny the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of Indian Act, 1935, and to request you to forward the same to the Secretary to the Governor General (Public) for obtaining the assent of His Excellency the Governor General.

2. The subject matter of the Bill falls under entries Nos. 1,2,3, 4, 32 and 37 of List II and entries ~~Nos. 1, 2, 3, 4, 32 and 37 of List II and entries~~ Nos. 1, 2, and 18 and of List III in the Seventh Schedule to the Government of India Act, 1935. The provisions of the Bill in relation to detention of lunaties in Certified Institutions are repugnant to the Indian Lunacy Act, 1912, which is an existing Indian Law relating to entry No. 18 of the Concurrent Legislative List. It will therefore be necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of Indian Act, 1935, and paragraph(2) of the Proclamation

3. I also forward herewith six spare copies of Bill out of which five copies are for transmission to the Secretary to the Governor General (Public).

P. T.O.

Yours obedient Servant

Id/- P.N.M .
12-1-45

Secretary to the Government of Bombay,
Legal Department.

rough:

The Secretary to the Government of Bombay,
Home Department.

C.G R

Legal Department.

The requisite draft notification for applying the Bombay Beggars Act, 1945, to the partially excluded areas in the Province of Bombay is sent herewith.

o/c Sd/-

Deputy Secretary to Government.

U.R. to H.D., No. 304 dated the 12th January 1946.

C.G.H.

No. G.S. 330
Office of the Governor's Secretary,
Government House,
Bombay, 18th February 1946.

From

G.C. Drewe, Esquire , O.B.E., I.C.S.,
Secretary to the Governor of Bombay.

To

The Secretary to the Government of Bombay,
Legal Department.

Subject: The Bombay Beggars Bill, 1945.

Sir,

With reference to your letter No. 9362 dated the 12th December 1945, on the subject mentioned above, I am directed to forward herewith the authentic copy of the Bombay Beggars Bill, 1945, with His Excellency the Governor-General's assent signified thereon.

Your obedient servant,

Sd/-

for Secretary to the Governor of Bombay.

Copy to the Home Department.

C.GBr. 16-7

C 5

Acts.
Publication of the Bombay Beggars Act, 1945.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 1443.

Bombay Castle, 20th February 1946.

Letter to the Secretary to the Governor, No.9362 dated the 12th December 1945.

Letter from the Secretary to the Governor No. G.s. 330 dated the 18th February 1946.

"With reference to your letter No. 9362 dated the 12th December 1945, on the subject mentioned above, I am directed to forward herewith the authentic copy of the Bombay Beggars Bill, 1945, with His Excellency the Governor-General's assent signified thereon."

RESOLUTION- The law should be published as Bombay Act No.XXIII of 1945, in the Bombay Government Gazette dated the 20th February 1946.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor Of Bombay,
sd/. N.M. Dravid,
Deputy Secretary to Government.

To
The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department.)
The Home Department,
*The Oriental Translator to Government,
The Secretary to the Bombay Legislative Council,) with a copy of the
The secretary to the Bombay Legislative Assembly,) Act.

* With five extra copies.

C.G.R.

85 357

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 20TH FEBRUARY 1946.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	PAGES
BOMBAY ACT No. XXIII OF 1945—An Act to provide for the prevention of begging, for the detention, training and employment of beggars and their dependents in Certified Institutions, and for the custody, trial and punishment of beggar offenders in the Province of Bombay	63-76

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor General on the 12th February 1946 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXIII OF 1945.

(First published, after having received the assent of the Governor-General, in the "Bombay Government Gazette" on the 20th February 1946.)

An Act to provide for the prevention of begging, for the detention, training and employment of beggars and their dependents in Certified Institutions, and for the custody, trial and punishment of beggar offenders in the Province of Bombay.

WHEREAS it is expedient to make provision for the prevention of begging, for the detention, training and employment of beggars and their dependents in Certified Institutions, and for the custody, trial and punishment of beggar offenders in the Province of Bombay;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ; 26, Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Beggars Act, 1945.

(*2*) It extends to the whole of the Province of Bombay but shall come into force in any area thereof only on such date as the Provincial Government may by notification in the Official Gazette appoint in this behalf for that area.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*i*) "begging" means—

(*a*) soliciting or receiving, alms in a public place, whether or not under any pretence such as singing, dancing, fortune-telling, performing tricks or selling articles ;

(*b*) entering on any private premises for the purpose of soliciting or receiving alms ;

(*c*) exposing or exhibiting with the object of obtaining or extorting alms any sore, wound, injury, deformity or disease ;

(*d*) having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner as makes it likely that the person doing so exists by soliciting or receiving alms ;

(*e*) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms ; but does not include—

(*i*) soliciting or receiving alms in or about a temple, mosque or other place of public worship, or

(*ii*) soliciting or receiving money or food or gifts for a purpose authorised by any law or authorised in the prescribed manner by the Commissioner of Police in the City of Bombay or the District Magistrate elsewhere or by the Provincial Government:

Provided that on the application of the trustee of any temple, mosque or other place of public worship the Provincial Government may direct by notification or in the manner prescribed that "begging" shall include soliciting or receiving alms in or about such temple, mosque or other place of public worship;

(*ii*) "Certified Institution" means any institution which the Provincial Government provides and maintains for the detention, training and employment of beggars and their dependents and includes an institution certified as such under sub-section (*1*) of section 11;

(*iii*) "Chief Inspector" means the Chief Inspector of Certified Institutions appointed under sub-section (*1*) of section 15;

Bom. XIII of 1924.

(*iv*) "child" has the meaning assigned to it in the Bombay Children Act, 1924;

Bom. XIII of 1924.

(*v*) "Juvenile Court" has the meaning assigned to it under the Bombay Children Act, 1924;

(*vi*) "Magistrate" means a salaried Presidency Magistrate in the City of Bombay and a Magistrate of the First Class elsewhere;

(*vii*) "prescribed" means prescribed by rules made under this Act;

(*viii*) "public place" includes a railway train;

(*ix*) "Receiving Centre" means an institution for the reception and temporary detention of beggars provided by the Provincial Government or certified as such under sub-section (*1*) of section 10;

(*x*) "trustee" means a person by whatever description known in whom the administration of a temple, mosque or other place of public worship is vested by any law for the time being in force or the terms of the instrument of trust or the terms of a decree or order of a competent court, relating to such temple, mosque or other place, or if there is no such person, any person who has administered the temple, mosque or other place for the period of one year

immediately prior to the date of the application referred to in the proviso to sub-clause (*e*) (*ii*) of clause (*i*) of this section, and who is liable as if he were a trustee, and if there are more than one such trustee, the majority of the trustees.

CHAPTER II.

Procedure for dealing with beggars and beggar offenders.

Powers of Courts.

3. The powers conferred on courts by this Act shall be exercised only by the High Court, a court of session, a salaried Presidency Magistrate, a Magistrate of the first class or a Juvenile Court and may be exercised by such Courts whether the case comes before them originally or on appeal or revision.

Power to require person found begging to appear before court.

4. (*1*) Any police officer or other person authorised in this behalf in accordance with rules made by the Provincial Government may arrest without a warrant any person who is found begging:

Provided that no person entering on any private premises for the purpose of soliciting or receiving alms shall be so arrested or shall be liable to any proceedings under this Act except upon a complaint of the owner or occupier of the premises.

(*2*) Such police officer or other person shall take or send the person so arrested to a court.

(*3*) The provisions of section 61 of the Code of Criminal Procedure, 1898, or section 87 of the City of Bombay Police Act, 1902, as the case may be, shall apply to every arrest under this section, and the officer in charge of the police station or section shall cause the arrested person to be kept in the prescribed manner until he can be brought before a court. V of 1898. Bom. IV of 1902.

Summary inquiry in respect of persons found begging and their detention.

5. (*1*) Where a person who is brought before the court under section 4 is not proved to have previously been detained in a Certified Institution under this Act, the court shall make a summary inquiry in the prescribed manner as regards the allegation that he was found begging.

(*2*) If the inquiry referred to in sub-section (*1*) cannot be completed forthwith, the court may adjourn it from time to time and order the person to be remanded to such place and custody as may be convenient.

(*3*) If on making the inquiry referred to in sub-section (*1*), the court is not satisfied that the person was found begging it shall order that such person be released forthwith.

(*4*) If on making the inquiry referred to in sub-section (*1*) the court is satisfied that such person was found begging it shall record a declaration that the person

is a beggar and subject to the provisions of section 23 make further order as in this section hereinafter provided.

(5) The court shall order the person declared as beggar under sub-section (4) to be detained in a Certified Institution for a period of not less than one and not more than three years:

Provided that if the court is satisfied from the circumstances of the case that the person declared as beggar under sub-section (4) is not likely to beg again it may release the beggar after due admonition on a bond for the beggar's abstaining from begging and being of good behaviour being executed with or without sureties as the court may require by the beggar or any other person whom the court considers suitable.

(6) A copy of the order made under sub-section (5) shall forthwith be sent to the Chief Inspector.

(7) Notwithstanding anything in this section when the person declared as beggar under sub-section (4) is a child not below the age of five years the court shall forward it to a Juvenile Court and shall not make any order under sub-section (5). The Juvenile Court shall deal with it under section 7 of the Bombay Children Act, 1924, as if the child was as described in clause (a) of sub-section (1) of that section. For the purpose of this sub-section, the court may if necessary cause the beggar to be examined by a medical officer.

Bom. XIII of 1924.

6. (1) Whoever having been previously detained in a Certified Institution under this Act is found begging shall on conviction be punished as hereinafter in this section provided. Penalty for begging after detention as beggar.

(2) When a person is convicted for the first time under sub-section (1) the court shall order him to be detained in a Certified Institution for not less than three years and not more than seven years and may convert any period of such detention not exceeding one year into a sentence of imprisonment extending to a like period.

(3) When a person is convicted for the second or subsequent time under sub-section (1) the court shall order him to be detained for ten years in a Certified Institution and may convert any period of such detention not exceeding two years into a sentence of imprisonment extending to a like period.

7. (1) When the court has ordered the detention of a person in a Certified Institution under section 5 or 6 it may after making such inquiry as it thinks fit order any other person who is wholly dependent on such person to be detained in a Certified Institution for a like period: Court may order detention of persons wholly dependent on beggar.

Provided that before such order is made such dependent person shall be given an opportunity of showing cause why it should not be made.

(2) Where the dependent person is a child the court shall forward it to a Juvenile Court which shall deal with it under section 7 of the Bombay Children Act, 1924, as if the child was as described in clause (*a*) of sub-section (*1*) of that section: Bom. XIII of 1924.

Provided that where the dependent person is the beggar's own child below the age of five years and the beggar is an able-bodied mother not being a contagious leper or a lunatic the child may be ordered to be detained in a Certified Institution without being separated from the mother as regards the place of detention, until it attains the age of five years and thereafter dealt with as provided in this sub-section.

(3) For the purpose of this section, the court may if necessary cause the dependent person to be arrested and brought before itself and examined by a medical officer. The provisions of section 61 of the Code of Criminal Procedure, 1898, or section 87 of the City of Bombay Police Act, 1902, as the case may be, shall apply to every arrest under this sub-section, and the officer in charge of the police station or section shall cause the arrested person to be kept in the prescribed manner until he can be brought before a Court. V of 1898. Bom. IV of 1902.

Power of Government to order further detention of incurably helpless beggars.

8. When any person who is detained in a Certified Institution under section 5, 6 or 7 is, whether on an application made by him to the Provincial Government or otherwise, considered by the Provincial Government to be blind, cripple, or otherwise incurably helpless, the Provincial Government may order that he shall, after the expiry of the period of his detention be further detained indefinitely in a Certified Institution:

Provided that the Provincial Government may release any such inmate if any person whom the Provincial Government considers suitable executes a bond, with or without sureties as the Provincial Government may require making himself responsible for the housing and maintenance of such inmate and for preventing him from begging or being used for the purpose of begging.

Penalty for employing or causing persons to beg or using them for purposes of begging.

9. Whoever employs or causes any person to solicit or receive alms, or whoever having the custody, charge or care of a child connives at or encourages the employment or the causing of a child to solicit or receive alms, and whoever uses another person as an exhibit for the purpose of begging, shall on conviction be punishable with imprisonment for a term which may extend to one year and thereafter with detention in a Certified Institution for a period of not less than one year and not more than three years or with imprisonment for a further term which may extend to one year in lieu of such detention.

CHAPTER III.

Receiving Centres and Certified Institutions.

Provision of Receiving Centres.

10. (*1*) The Provincial Government may provide and maintain one or more Receiving Centres at such place or places as it thinks fit or may certify any institution to be a Receiving Centre for the purposes of this Act.

(*2*) Every such Receiving Centre shall be under the control of an officer-in-charge.

Provision of Certified Institutions.

11. (*1*) The Provincial Government may provide and maintain one or more Certified Institutions at such place or places as it thinks fit or may certify any institution to be a Certified Institution for the purposes of this Act. Any such Certified Institution may include provision for the teaching of agricultural, industrial and other pursuits and for the general education and medical care of the inmates.

(*2*) Every such Certified Institution shall be under the charge of a Superintendent.

Visiting Committees.

12. For every Receiving Centre and every Certified Institution the Provincial Government shall appoint a visiting committee in such manner as may be prescribed.

Advisory Committees.

13. (*1*) The Provincial Government may constitute for any area in which this Act has come into force under sub-section (*2*) of section 1 an Advisory Committee consisting of such persons not exceeding twenty in number as it may appoint :

Provided that where a local authority has agreed to render such financial assistance as the Provincial Government may consider proper in each case for the maintenance of Certified Institutions in which beggars from the area subject to the jurisdiction of the local authority are detained, the Provincial Government shall appoint such number of persons as it deems fit on the Advisory Committee for such area representing the local authority.

(*2*) The Advisory Committee constituted under sub-section (*1*) in any local area or any member thereof may visit at all reasonable times and after due notice to the Superintendent any Certified Institution in which beggars from that area are detained.

(*3*) The Advisory Committee may also—

(*i*) tender advice as regards management to any Certified Institutions through the Chief Inspector or such other officer as the Provincial Government may specify ;

(*ii*) collect subscriptions towards the recurring as well as non-recurring expenses of any or all Certified Institutions within the local area or in which beggars from that area are detained; and disburse the collections in the prescribed manner;

(*iii*) advise the Provincial Government through the Chief Inspector as regards the certification of any Institution as a Certified Institution or the de-certification of any Certified Institution within the local area;

(*iv*) advise the Provincial Government generally on the working of this Act in that area and particularly on any point referred to it by the Chief Inspector or any other officer specified by the Provincial Government.

Payment of contribution by local authorities and recovery thereof.

14. (*1*) Notwithstanding anything contained in any law for the time being in force, any local authority which has agreed to pay a certain sum of money for the maintenance of a Certified Institution shall make payment of that sum to the Provincial Government before a date prescribed in that behalf.

(*2*) If any sum is not paid by a local authority under sub-section (*1*) before the prescribed date, the Provincial Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the local authority, as its officer, treasurer, banker or otherwise to pay the sum from such moneys as he may have in his hands or may from time to time receive to the Provincial Government and such person shall be bound to obey such order.

Appointment of Chief Inspector, and Assistants.

15. (*1*) For carrying out the purposes of this Act, the Provincial Government may appoint a Chief Inspector of Certified Institutions, an Inspector and such number of Assistant Inspectors as it thinks advisable to assist the Chief Inspector; and every person so appointed to assist the Chief Inspector shall have such of the powers and duties of the Chief Inspector as the Provincial Government directs but shall act under the direction of the Chief Inspector.

(*2*) Every Receiving Centre and Certified Institution shall, at least once in every six months, be inspected by the Chief Inspector or Inspector or Assistant Inspector.

Search in Receiving Centres and Certified Institutions.

16. The officer in charge of a Receiving Centre or Superintendent of a Certified Institution may order that any person received in the Receiving Centre or Certified Institution shall be cleansed, that he shall be searched, that his personal effects shall be inspected, and that any money or valuables found with or on the person shall be kept in the custody of such officer or Superintendent, and that any effects other than money or valuables so found shall be disposed of in the prescribed manner.

Where an order of detention is passed by the court against any such person, the officer or Superintendent, as the case may be, may order that any money found on the person shall be applied in the prescribed manner towards the welfare of the destitute and that valuables other than money shall be sold in auction, and the proceeds of the sale applied as aforesaid. Where the court passes an order other than an order of detention with regard to any such person his money and valuables shall be returned to him and if his clothing has been destroyed, he shall be provided with fresh clothing. The expenses of providing such clothing shall be borne by the Provincial Government:

Provided that a female person shall be searched by a female only and with due regard to decency.

Management and discipline.

17. Persons remanded to or detained in Receiving Centres and Certified Institutions under this Act shall be subject to such rules of management and discipline, including the imposition of manual or other work and the awarding of punishment for breach of any such rule, as may from time to time be prescribed.

Disciplinary imprisonment.

18. (*1*) Without prejudice to any disciplinary action that may be taken under section 17, the Chief Inspector may report to the court the case of any person detained in a Certified Institution who habitually wilfully disobeys or neglects to comply with any rule referred to in section 17 and the court may thereupon if satisfied that the person has wilfully disobeyed or neglected to comply with any such rule convert any period of his detention in a Certified Institution not exceeding three months into a term of imprisonment extending to a like period.

(*2*) The sentence of imprisonment ordered under sub-section (*1*) shall be executed in the same manner as a sentence passed under section 6.

Transfer from one Receiving Centre or Certified Institution to another.

19. (*1*) Subject to the prescribed conditions the Chief Inspector may direct any person detained in a Receiving Centre or Certified Institution to be transferred therefrom to another Receiving Centre or Certified Institution:

Provided that the total period of detention of such person shall not be increased by such transfer.

(*2*) In directing such transfers the Chief Inspector shall have regard to the medical report and the directions, if any, made by the court under section 25.

Release on license.

20. (*1*) Subject to the prescribed conditions the Chief Inspector may at any time grant permission to a person detained in a Certified Institution to absent himself for short periods or release him conditionally by granting him a license

(*2*) Any license granted under sub-section (*1*) shall be in force until the expiry of the term for which the person was ordered to be detained in a Certified Institution unless sooner revoked.

(3) The period during which such person is absent from a Certified Institution during the continuance of a permission or license granted to him under this section shall for the purpose of computing his term of detention in a Certified Institution be deemed to be part of his detention.

Revocation of license.

21. (1) Subject to the prescribed conditions the Chief Inspector may at any time revoke a license granted under section 20, and thereupon the released person shall be detained in a Certified Institution until the expiry of the term for which he had been ordered to be detained.

(2) For the purpose of this section the Chief Inspector may, if necessary, cause the released person to be arrested and sent to the nearest Receiving Centre together with a copy of the order of detention, and thereupon the provisions of sub-section (1) of section 24 shall as far as may be apply.

Unconditional release.

22. At any time after the expiration of three months from the commencement of the release on license of any person under section 20, the Chief Inspector may if he is satisfied that there is a probability that such person will abstain from begging recommend to the Provincial Government his unconditional release. The Provincial Government may on such recommendation release such person unconditionally and thereupon the term for which such person had been ordered to be detained in a Certified Institution shall be deemed to have expired.

CHAPTER IV.

Miscellaneous.

Externment from the Province of beggars not domiciled therein.

23. (1) If in the course of an inquiry made under sub-section (1) of section 5, it has appeared to the court that the person declared a beggar under sub-section (1) of section 5 is domiciled outside the Province of Bombay the court, after making such further inquiry, if any, as it deems necessary, may, instead of proceeding further under section 5, by order in writing direct the beggar to leave the Province of Bombay within such time and by such route or routes as may be stated in the order and not to return thereto.

(2) When any beggar against whom an order has been made under sub-section (1) fails to comply with such order within the time specified therein, or after complying with the said order returns to any place within the Province of Bombay he shall on conviction be liable to be detained in a Certified Institution for not less than three years and not more than seven years.

(3) The court passing an order of detention under sub-section (2) may in lieu of any period of detention not exceeding one year impose a sentence of imprisonment extending to a like period.

(4) A copy of the order made under sub-section (1), (2) or (3) shall forthwith be sent to the Chief Inspector.

Procedure on order of detention or sentence of imprisonment.

24. (1) Subject to the provisions of sub-section (2) when a person has been ordered to be detained in a Certified Institution under section 5, 6, 7, 9 or 23, the court which ordered the detention shall forthwith forward him to the nearest Receiving Centre with a copy of the order of detention. The person shall thereupon be handed over to the custody of the officer in charge of the Receiving Centre and shall be detained in the Receiving Centre until he is sent therefrom to a Certified Institution.

(2) When any such person has also been sentenced to imprisonment, the court passing the sentence of imprisonment shall forthwith forward a warrant to a jail in which he is to be confined and shall forward him to such jail with the warrant together with a copy of the order of detention. After the sentence of imprisonment is fully executed, the Officer executing it shall, if detention in a Certified Institution for any period remains to be undergone by such person, forward him forthwith together with the copy of the order of detention to the nearest Receiving Centre, and thereupon the provisions of sub-section (1) shall as far as may be apply.

(3) In computing the period for which a person is ordered to be detained in a Certified Institution there shall be included the period for which he is detained in a Receiving Centre under this section.

Medical examination and detention of lepers and lunatics.

25. (1) After a person is received in a Receiving Centre under section 24, the officer-in-charge of the Receiving Centre shall cause him to be examined, as soon as may be, by such Medical Officer, as the Provincial Government by general or special order directs.

(2) The Medical Officer shall make his report to the officer-in-charge of the Receiving Centre stating *inter alia*—

(a) the age and sex of the person,

(b) whether the person is a leper suffering from contagious leprosy or not,

(c) from what, if any, communicable disease other than leprosy the person is suffering,

(d) whether the person is an idiot or of unsound mind, and

(e) what is the general state of health and bodily condition of the person and for which kind of work, if any, he is fit.

(3) Where the medical report states that the beggar is a contagious leper or a lunatic, the officer-in-charge of the Receiving Centre shall forthwith forward the report to the court which passed the order of detention.

The court shall thereupon examine the Medical Officer as a witness and shall reduce the examination to writing. If after the examination and upon such further enquiry, if any, as it thinks fit, the court is of opinion that the beggar is a contagious leper or a lunatic it shall record a finding to that effect and shall direct that the detention already ordered shall be undergone by the beggar,—

(*i*) if a contagious leper, in a leper asylum appointed under section 3 of the Lepers Act, 1898, and which has been certified to be a Certified Institution under sub-section (*1*) of section 11; III of 1898.

(*ii*) if a lunatic, in an asylum established or licensed under section 84 of the Indian Lunacy Act, 1912, and which has been certified to be a Certified Institution under sub-section (*1*) of section 11; IV of 1912.

(*iii*) if neither a contagious leper nor a lunatic, in any other Certified Institution;

(*iv*) Notwithstanding anything contained in the Lepers Act, 1898, or the Indian Lunacy Act, 1912, if any leper asylum appointed under section 3 of the Lepers Act, 1898, or any asylum established or licensed under section 84 of the Indian Lunacy Act, 1912, is certified to be a Certified Institution under sub-section (*1*) of section 11, the Superintendent of such leper asylum or the person in charge of such lunatic asylum, as the case may be, shall also have authority to detain persons sent thereto in accordance with a direction of the court under this section. III of 1898. IV of 1912. III of 1898. IV of 1912.

Arrest of person escaping from Receiving Centre or Certified Institution.

26. Any person who leaves a Receiving Centre without the permission of the officer-in-charge thereof or who leaves a Certified Institution without the permission of the Superintendent in charge thereof or fails to return thereto after the expiry of the period of absence permitted under sub-section (*1*) of section 20 may be arrested by a police officer without a warrant and sent back to the Receiving Centre or Certified Institution, as the case may be.

Transfers between Certified Institution and Institution of like nature in different parts of India.

27. The Provincial Government may direct any person detained in a Certified Institution to be transferred therefrom to any Institution of a like nature in any other part of British India or in any Indian State in respect of which provision similar to that in the Province of Bombay is made by the Provincial Government of that part or by the Government of that Indian State under any law in force therein:

Provided that no person shall be transferred under this section to any other Province or Indian State without the consent of the Government of that other Province or Indian State.

Power to take finger prints.

28. (*1*) Every person ordered to be detained in a Certified Institution under this Act shall at any time allow his finger prints to be taken by the Commissioner of Police

or any officer empowered by him in this behalf in the City of Bombay, and by the District Magistrate or any Officer empowered by him in this behalf elsewhere.

(2) Whoever refuses to allow his finger prints to be taken under sub-section (1) shall on conviction be liable to have his period of detention in a Certified Institution not exceeding three months converted to a term of imprisonment extending to a like period.

(3) The sentence of imprisonment ordered under sub-section (2) shall be executed in the same manner as a sentence passed under section 6.

Offences to cognizable and non-bailable.

29. The offences under sections 6, 9 and 23 of this Act shall be cognizable and non-bailable.

Persons to be deemed public servants.

30. All persons empowered to perform any function under this Act shall be deemed to be public servants within the meaning of the Indian Penal Code.

XLV of 1860.

Bonds taken under the Act V of 1898.

31. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

V of 1898.

Appeals.

32. For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under this Act (including an order of detention under section 5), shall be deemed to be a sentence of imprisonment for the same period.

V of 1898.

Rules.

33. (1) The Provincial Government may by notification in the Official Gazette, and subject to the conditions of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner of authorising a purpose under sub-clause (e) (ii) of clause (i) of section 2;

(b) the manner of keeping persons arrested under sub-section (3) of section 4 or section 7;

(c) the manner of making summary inquiry under sub-section (1) of section 5;

(d) the conduct of business by Advisory Committees;

(e) the manner of appointing a visiting committee under section 12;

(f) the date before which payment shall be made under sub-section (1) of section 14;

(*g*) the manner in which the effects other than money or valuables referred to in section 16 shall be disposed of and the manner in which the money and sale proceeds referred to in section 16 may be applied towards the welfare of the destitute;

(*h*) the management and discipline of persons detained in a Receiving Centre or Certified Institution including the imposition of manual or other work and the awarding of punishment for breach of any rule made under this clause;

(*i*) the conditions subject to which the Chief Inspector may direct transfers under section 19;

(*j*) the conditions subject to which a person may be released on license under section 20;

(*k*) the conditions subject to which a license may be revoked under section 21;

(*l*) the manner of medical examination of beggars;

(*m*) any other matter which is required to be or may be prescribed.

Repeal.

34. (*1*) On the date on which this Act comes into force in the City of Bombay, in the City of Bombay Police Act, 1902

(*i*) in sub-section (*2*) of section 27 for the figures "121" the following shall be substituted, namely:—

"6, 9 or 23 of the Bombay Beggars Act, 1945", and Bom. of 1945.

(*ii*) section 121 shall be repealed.

(*2*) On the date on which this Act comes into force in any area outside the City of Bombay, sub-section (*2*) of section 61 of the Bombay District Police Act, 1890, shall be repealed in its application to the said area. Bom. IV of 1890.

Savings.

35. Nothing in this Act shall apply to vagrants within the meaning of the European Vagrancy Act, 1874. IX of 1874.

STATEMENT.

The problem of beggary has been considered frequently in the past. It is now realised that it cannot be effectively and systematically tackled without a full-fledged Beggars' Act.

This legislation provides for the detention of beggars in suitable institutions after commitment by a magistrate. It is intended to be reformative so far as indigent and helpless beggars are concerned and provides for their training and equipment for gainful employment after expiry of the period of detention. It is penal only so far as exploitation of beggars and contumacious vagrancy are concerned. Children coming under this law are proposed to be dealt with under the Bombay Children Act, 1924, except that children up to 5 years of age who are beggars or dependents of able-bodied beggar mothers will be dealt with under this legislation.

The legislation extends to the whole Province but will come into force in particular areas of the Province on such dates as may be notified by Government. The legislation depends for its working on the provision of adequate and varied institutional accommodation and it is intended to be brought into force as and when such accommodation becomes available in particular areas.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.